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SUBJECT: JUDGE OHANIAN BROUGHT DOWN BY CORRUPTION

REF: YEREVAN 1278

Classified By: CDA R.V. Perina, reasons 1.4 (b,d)

¶1. (C) The case of fired judge Ohanian (reftel) came up during a conversation with David Harutyunian (protect). Harutyunian currently chairs the parliamentary committee on State and Legal Affairs, but was justice minister prior to the May 2007 elections. Harutyunian confirmed that top law enforcement officials bore animus against Judge Ohanian, and also told us that President Kocharian himself was among those infuriated with Ohanian. Harutyunian said that he himself had been one of Ohanian's staunch defenders, until the day that senior law enforcement officials had come to Harutyunian's office and played for him a wiretap tape of Ohanian soliciting and accepting a sizeable bribe from one of the parties to a case Ohanian was then hearing. Harutyunian said he had stopped defending Ohanian at that point. Harutyunian said it was clear that law enforcement officials played Harutyunian the tape to silence his defense of Ohanian; they implied that Harutyunian must be complicit with Ohanian to speak up for him. Harutyunian felt betrayed to learn of Ohanian's corruption, and said if he were still justice minister he would have brought criminal charges against Ohanian.

¶2. (C) Harutyunian said that despite his corruption, Ohanian had been a voice for legitimate reforms in the judiciary, but it was of course untenable to go on defending him when presented with clear evidence of his corruption. Harutyunian noted, of course, that Ohanian was unfortunately far from unique among judges in this respect, but he had made an enemy of the law enforcement and prosecution organs by dismissing too many of their cases and becoming an obstacle to their practice of legalized extortion against private companies. The security services had made a point of going after Ohanian and getting the goods on him. This gave the Judicial Council and President Kocharian ample pretext to fire him.

¶3. (C) COMMENT: We have long regarded Harutyunian as a credible interlocutor: smart, conscientious, and straightforward. We tend to believe him on this case as well. The case forces us to confront once again the unpleasant fact that even many of those we may regard as the "good guys" -- voices for positive reforms, accountability, and equality before the law -- often do not have clean hands. In a system where corruption has been so deeply embedded for so long, there are few angels.  
PERINA